

Appln No. 10/812,342

Amdt date June 29, 2006

Reply to Office action of May 4, 2006

REMARKS/ARGUMENTS

In the final Office action dated May 4, 2006, claims 13 - 16, 20, 21, 24 - 31 and 34 - 37 were rejected under 35 U.S.C. § 102. Claims 1 - 12, 18, 19 and 38 were allowed. Claims 17, 22, 23, 32 and 33 were objected to as being dependent upon a rejected base claim, but were deemed allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Reconsideration and reexamination are hereby requested for the rejected claims.

Response to the 35 U.S.C. § 102 Rejection of the Claims in view of Konig & Meyer

Claims 13, 15, 16, 20, 21, 24 - 31 and 34 - 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Konig & Meyer, German Patent No. DE3604497 (hereafter referred to as "Konig"). Claims 13, 20, 28 and 37 are independent.

Independent claim 13

Claim 13 recites, in part:

a main body, having a central hollow dimensioned to contain the first rod or pole;
a pull pin body integral with the main body and extending radially outward from the central hollow, said pin body having a space therein extending into the central hollow;

The Examiner states in paragraph 2 of the final Office action that Konig discloses the main body and pull pin body limitations as, respectively, element 11 and a portion of element 11 that the Examiner has designated by reference A. Applicant respectfully submits that Konig provides no teaching or suggestion that a pull pin assembly could or should be provided with the main body and a pull pin body as claimed in claim 13.

Konig provides no teaching or suggestion that the element 11 could be advantageously provided in conjunction with another element, namely, a pull pin body that extends radially

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outward. Examination of FIGS. 2 and 3 of Konig illustrate that the area A cited by the Examiner is nothing more than an outer section of the element 11. FIG. 2 illustrates that a portion of the outer curved surface of the element 11 has been flattened to more effectively mate with a flat end of the outer portion of element 30. In FIG. 3, the continuation of the outer surface of the element 11 (to the left of the Examiner's arrow for A) as it mates with element 30 further illustrates that the element 30 simply rests in a small indentation in the curved outer portion of element 11.

Moreover, there is no teaching or suggestion in Konig that the area the Examiner designated as A is anything other than a portion of element 11. Applicant notes that the area A was not identified by Konig. Rather the area A is purely a construct of the Examiner. In summary, Konig simply teaches an element 11 having an indentation. Konig does not teach or suggest two elements, a main body and a pull pin body that extends radially outward, as claimed in claim 13.

Claim 13 also recites, in part: "a pull pin slidably disposed in the space of the pull pin body." The final Office action states at paragraph 2 that the element 13 of Konig teaches this limitation. This argument, however, is at odds with the "slidably disposed" limitation of claim 13. The ratchet pin 13 of Konig slides within the element 30 which the Examiner has designated as the pull pin plug 30. Accordingly, the ratchet pin 13 is not "slidably disposed" within the area A that the Examiner contends is Konig's pull pin body.

Finally, claim 13 recites, in part:

said pull pin having a circumferential stop;

wherein the circumferential stop is dimensioned to prevent the pull pin from passing completely through the first hole in the first position.

The Examiner states in paragraph 2 of the final Office action that the portion B of Konig is dimensioned "of a length" to prevent the pull pin from passing completely through the first hole in the first position. However, the portion B does not restrict the movement of the pin 13

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when the pin travels to the right toward holes 12. As shown in FIGS. 2 and 3, the portion B is not of such a length that it abuts the other end of the tube 9 (on the right side of the FIGS.) thereby preventing the pin 13 from passing completely through holes 12. Rather, as best understood from the FIGS. 2 and 3, it is the element 16 that prevents the pin 13 from moving to the right due to interaction of the element 16 with element 30.

The length of the portion B is thus immaterial as to whether the ratchet pin 13 is prevented from passing through a hole in the tubes. The portion B "prevents" nothing in this regard.

Independent claim 20

Claim 20 recites, in part: "a pull pin body adjacent to the main body and extending outward from the central hollow." As discussed above in conjunction with claim 13, the area A identified by the Examiner as a "pull pin body" is simply the element 11 (cited by the Examiner as the main body). The area A is thus not adjacent to the main body (element 11) as claimed.

Claim 20 also recites, in part, "the main body is fixed against movement along the first rod or pole when the pull pin is in the second position." The Examiner states in paragraph 2 of the Office action that the main body is fixed against movement "via friction/press-fit between main body 11 and first rod 1." Applicant cannot find any reference to any friction or press-fitting in the English Abstract or in the drawings of Konig provided by the Office. Accordingly, it appears that the Examiner is assuming that Konig is using these fixation techniques. Such an assumption, however, is not a proper basis for an anticipation rejection.

Independent claim 28

Claim 28 recites, in part:

a pull pin body adjacent to the main body and extending outward from the central hollow,

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a pull pin plug having a hollow dimensioned to slidably contain the pull pin;
the circumferential stop is dimensioned to prevent more than a predetermined
length of the pull pin from extending into the central hollow in the first position.

As discussed above in conjunction with claim 13 and claim 20, Konig does not teach or
suggest a main body, a pull pin body, a pull pin plug and a circumferential stop as claimed.

Independent claim 37

Claim 37 recites, in part:

a main body, having a central hollow dimensioned to contain the first rod or pole,
the main body extending around and abutting the end of the first rod or pole;
a pull pin body adjacent to the main body and extending outward from the central
hollow,

The Examiner states in paragraph 2 of the Office action that Konig discloses a "main
body extending around and abutting (via intermediate elements 22, 29) the end of the first rod of
pole." The Examiner thus concedes that it is the intermediate elements 22, 29 (not the body 11)
that abut the end of the tube 11. Given the explicit limitation in claim 37 of the main body
abutting the end of the first rod or pole, Konig is not an anticipating reference.

Moreover, as discussed above in conjunction with claim 20, Konig does not teach or
suggest a pull pin body adjacent to the main body as claimed.

In view of the above, Applicant respectfully submits that independent claims 13, 20, 28
and 37 are not anticipated by or obvious in view of Konig. The claims that depend on these
claims also are patentable over Konig for the reasons set forth above. In addition, these
dependent claims are patentable over the cited references for the additional limitations that these
claims contain as discussed, for example, in Applicant's previous response.

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Response to the 35 U.S.C. § 102 Rejection of the Claims in view of Takayama

Claims 13 - 16, 20, 24 - 30 and 34 - 37 were rejected under 35 U.S.C. § 102(e) as being anticipated by Takayama, U.S. Patent No. 6,508,262 (hereafter referred to as "Takayama"). Claims 13, 20, 28 and 37 are independent.

Independent claim 13

At paragraph 8 of the final rejection, the Examiner responded to Applicant prior arguments as follows:

Examiner disagrees. As to claims 13, 20, 28 and 37, Takayama discloses a pull pin assembly comprising a biasing member 31 biasing the pull pin toward the first position to relatively lock the first rod or pole 11, 12 and the second rod or pole 10 when the first hole is superimposed on the second hole (Figure 3).

Applicant notes that FIG. 3 cited by the Examiner does not even show a configuration where a hole in the pole 10 is superimposed on a hole in the pole 11. There are no holes shown on pole 11 in FIG. 3. Hence, FIG. 3 provides no teaching or suggestion as to relative locking of the poles in such a configuration. Applicant thus requests the Examiner to reconsider the rejection and refers the Examiner to Applicant's prior response where the mechanism of Takayama (as distinguished from the claimed elements) is discussed at length.

Independent claim 20

Claim 20 also includes a limitation of "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole." For reason similar to those just discussed in conjunction with claim 13, Applicant submits that Takayama does not teach or suggest all of the limitations of claim 20.

Moreover, the final Office action fails to address Applicant's argument in its prior response that Takayama does not teach or suggest that "the main body is fixed against movement

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along the first rod or pole when the pull pin is in the second position." As previously discussed, when the latch 30 is in the position illustrated in Figure 5 the coupler 5 moves freely with respect to the pole 11. See, for example, Takayama at column 5, line 65 - column 6, line 2 ("The stopper 4 is in contact with, and continues with, the lower pole 11 as shown in FIG. 5, and that allows the movable coupler 5 to slide from the stopper 4 to the lower pole 11 smoothly."). Applicant respectfully requests an explanation as to how the Examiner believes that the mechanism of Takayama fixes the main body against movement as claimed.

Independent claim 28

Claim 28 also includes a limitation of "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole." For reason similar to those discussed in conjunction with claim 13, Applicant submits that Takayama does not teach or suggest all of the limitations of claim 28.

Independent claim 37

Claim 37 also includes a limitation of "a biasing member biasing the pull pin toward the first position to relatively lock the first rod or pole and the second rod or pole when the first hole is superimposed on the second hole." For reason similar to those discussed in conjunction with claim 13, Applicant submits that Takayama does not teach or suggest all of the limitations of claim 37.

Claim 37 also recites, in part: "a main body, having a central hollow dimensioned to contain the first rod or pole, the main body extending around and abutting the end of the first rod or pole." FIG. 5 shows that the body 5 slides over the outside of the pole 11. Hence, the body 5 does not extend around and abut the end of pole 11. Applicant respectfully requests the Examiner to reconsider the rejection and refers the Examiner to Applicant's prior response where the mechanism of Takayama is discussed at length.

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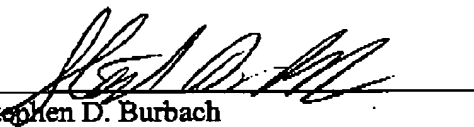
In view of the above, Applicant respectfully submits that independent claims 13, 20, 28 and 37 are not anticipated by or obvious in view of Takayama. The claims that depend on claim 13, 20, 28 or 37 also are patentable over Takayama for the reasons set forth above. In addition, these dependent claims are patentable over the cited references for the additional limitations that these claims contain as discussed, for example, in Applicant's previous response.

CONCLUSION

In view of the above remarks Applicant submits that the claims are patentably distinct over the cited references and that all the objections/rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested.

Respectfully submitted,
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